

<b>PRE-APPEAL BRIEF REQUEST FOR REVIEW</b>		Docket Number (Optional) <b>STD 1067 PA</b>			
I hereby certify that this correspondence is being electronically submitted  on <u>March 19, 2008</u>  Signature <u>/James F. Gottman/</u>  Typed or printed name <u>James F. Gottman</u>		Application Number <b>10/079,679</b>  First Named Inventor <b>Dan Thaxton</b>  <table style="width: 100%;"> <tr> <td style="width: 50%;">Art Unit <b>3609</b></td> <td style="width: 50%;">Examiner <b>Kamal, Shahid</b></td> </tr> </table>		Art Unit <b>3609</b>	Examiner <b>Kamal, Shahid</b>
Art Unit <b>3609</b>	Examiner <b>Kamal, Shahid</b>				
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s).          Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <table style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> <input type="checkbox"/> applicant/inventor.   <input type="checkbox"/> assignee of record of the entire interest.          See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.          (Form PTO/SB/96)   <input checked="" type="checkbox"/> attorney or agent of record.          Registration number <u>27,262</u>   <input type="checkbox"/> attorney or agent acting under 37 CFR 1.34.          Registration number if acting under 37 CFR 1.34 _____       </td> <td style="width: 50%; vertical-align: top;"> <u>/James F. Gottman/</u>          Signature  <u>James F. Gottman</u>          Typed or printed name  <u>937/449-6400</u>          Telephone number  <u>March 19, 2008</u>          Date       </td> </tr> </table> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p>				<input type="checkbox"/> applicant/inventor.  <input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)  <input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>27,262</u>  <input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____	<u>/James F. Gottman/</u> Signature <u>James F. Gottman</u> Typed or printed name <u>937/449-6400</u> Telephone number <u>March 19, 2008</u> Date
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<input checked="" type="checkbox"/> *Total of <u>1</u> forms are submitted.					

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AP, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

## Application of

Applicant : Dan Thaxton  
Serial No. : 10/079,679  
Filed : February 20, 2008  
Title : DOCUMENT SECURITY PROTECTION ANALYSIS ASSISTANT  
Docket : STD 1067 PA  
Examiner : Kamal, Shahid  
Art Unit : 3609  
Conf. No. : 6750

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

## PRE-APPEAL BRIEF REQUEST FOR REVIEW

Prior to filing an appeal brief in the present application, and concurrently with filing a notice of appeal, applicant submits this request for review of the final rejection of December 27, 2007. No amendments are filed with this request.

**1. The present invention relates to evaluating printed security documents, while the cited prior art Stefik et al patent relates to protected electronic files, and particularly to digital works.**

The core of applicant's position is that the claimed invention, and the primary prior art reference, Stefik et al U.S. Pat. No. 6,957,193, relate to vastly different systems. The present invention relates to a method of analyzing the security level of printed security documents. The cited Stefik et al patent relates to "digital works" which are digital files. As such, Stefik et al is unconcerned with the security provided by various document protection features associated with a printed security document and therefore does not anticipate any of the claims of the present application under 35 U.S.C. §102.

The present invention relates to a computer-based method for presenting a user with a comprehensive set of security features for a security document, for assisting the user through any potential incompatibilities associated with selected security features for a security document, for selecting a combination of security features for a security document, and for determining a document security rating for the document. The "security document" is a printed paper document, or a document that is printed on a similar substrate, which includes security features such as pantographs, screens, tamper protection, flourishes, overt authentication, and covert authentication. The system of the present invention displays a selection guide for the simple selection of desired security features for the design of such a printed security document. After selection of security features, the programmable computer examines those selected security features for possible incompatibilities and presents any potential problems to the user with a description of concerns raised by their selection. Additionally, the software application provides to the user with a recommended course of action to resolve the concern. Finally, the system provides the user with an assessment of how well the selected security features will address the desired goal of the user for the level of security.

In contrast, Stefik U.S. Pat. No. 6,957,193 discloses a system for controlling the use and distribution of digital works. Digital works are electronic files that are stored electronically at one of a number of repository locations and transmitted to other repositories with usage rights permanently "attached" to the works. The usage rights specify a manner of use and an access specification indicating a security class. The usage rights and any associated fees assigned by a creator and subsequent distributor will always remain with the electronic copies of the works. This permits the creator of a work to license the use of a work and charge for the use of the work on very specific bases. For example from column 47, line 60 to column 48, line 8, the following example is given:

"A designer of type fonts invests several months in the design of special fonts. The most common way of obtaining revenue for this work is to sell copies of the fonts to publishers for unlimited use over unlimited periods of time. A font designer would like to charge a rate that reflects the amount that the font is used."

"This scenario is performed as follows: the font designer creates a font as a digital work. He creates

versions of the Play right that bill either for metered use or "per-use". Each version of the play right would require that the player (a print layout program) be of an approved category. The font designer assigns appropriate fees to exercise the Copy right. When a publisher client wants to use a font, he includes it as input to a layout program, and is billed automatically for its use. In this way, a publisher who makes little use of a font pays less than one who uses it a lot."

It is clear that the Stefik et al patent deals with safeguarding and restricting access to, and use of, electronic files. There is no suggestion in Stefik et al of using security features on printed security documents, nor of assessing the level of security that such security features, or that certain combinations of such security features, provide.

The claims of the present application are clearly distinguishable from Stefik et al. They relate to a system for use with security documents, not with electronic files. For example, claim 1 calls for "evaluating security features designed to provide a level of security in a security document and rating the security level of said security document." Claim 1 then specifies four steps, each of which is performed with respect to the security document.

The Examiner indicates that all of these steps are disclosed in the Abstract of Stefik. In point of fact, none of these steps is disclosed in Stefik et al. Stefik et al deals with a system for electronic files ("digital works") in which additional digital data that define "usage rights" are permanently attached to the digital works and govern the use to which the digital works are transmitted electronically from one repository to another. The repositories are assigned security levels and a request from one repository to another will be honored based, at least in part, on whether the requesting repository has the appropriate security level. However, there is no teaching in Stefik of a process for determining the security of a printed document based on various features of the printed document.

Further, Stefik does not render obvious any of the claims of the present application under 35 U.S.C. §103 in conjunction with Ginter et al U.S. Pat. No. 7,143,290 and Wang U.S. Pat. No. 6,885,748. Wang, like Stefik et al, deals with digital works, and is simply too far afield of the present invention, which deals with printed security documents, for its application to the claims

to make any sense. The Ginter et al patent deals with document files and electronically transmitting such files in a secure environment. None of these references has anything to do with analyzing the security features in a printed security document and providing a security rating for the document. No combination of the references can transform them into a disclosure of this type.

**2. The Examiner's response to a detailed explanation of the above distinctions in respect to each of the claims has been that he does not agree. No additional explanation has been given.**

Attention is directed to page 11, paragraph 12 of the Final Rejection. There has been no explanation of why the Stefik and Wang references, dealing with digital works, have any relevance whatsoever to the claims in the instant application that all deal with analysis of security features of printed security documents.

Respectfully submitted,  
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